

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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MIDOIL USA LLC, :
: :
Petitioner, :
: :
v. : Case No. 12-cv-8484 (PAC)
: :
ASTRA PROJECT FINANCE PTY LTD., :
: :
Respondent. :
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REPLY DECLARATION OF ARIEL F. GURSKY

Pursuant to 28 U.S.C. § 1746, I, Ariel F. Gursky, an attorney admitted to practice before this Court, declare the following statements to be true under the penalties of perjury:

1. I am an associate with the law firm Morgan, Lewis & Bockius, LLP, counsel for Petitioner MidOil USA LLC. I respectfully submit this reply declaration in further support of Petitioner's Motion for Reconsideration dated August 29, 2013.

2. Attached hereto as Exhibit 1 is a true and correct copy of an email dated September 25, 2013 from Cheng Zheng, L.L.M., the International Case Manager for the American Arbitration Association International Centre for Dispute Resolution, which conveys an email from Meir Moza, Esq., counsel for Respondent, Astra Project Finance Pty Ltd. In his email, Mr. Moza, states that: "Astra Project Pty Ltd., [sic] adamantly refuses to to [sic] proceed with the arbitration in ICDR and do [sic] not wish to participate in said proceedings due to, among other reasons, their position that said arbitrators are biased in favor of Mid Oil, and do not uphold the proceedings in a fair and equitable manner." It should be noted that this email predates any hearing held, or ruling rendered, by the Tribunal.

3. Attached hereto as Exhibit 2 is a true and correct copy of an email from Mr. Zheng dated October 15, 2013 advising Petitioner MidOil USA LLC that he had “tried to urge the Respondent [Astra Project Finance Pty Ltd.] to pay its share of deposit for the arbitrators’ compensation for quite a few times but did not receive any responses from it.”

Dated: New York, New York
October 24, 2013


ARIEL F. GURSKY